

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**ROBERT LEE HARVEY**

§

**PETITIONER**

§

**v.**

§

**CAUSE NO. 1:06CV587-LG-JMR**

§

**RONALD KING**

§

**RESPONDENT**

**JUDGMENT**

This day this cause came on for hearing before the Court on Respondent's Motion to Dismiss for Failure to Exhaust [5-1], the issues having been duly heard and considered and a decision having been duly rendered by separate Order;

**IT IS THEREFORE ORDERED AND ADJUDGED** that Respondent's Motion to Dismiss for Failure to Exhaust [5-1] is **GRANTED**. Petitioner's 28 U.S.C. § 2254 habeas corpus application is **DISMISSED** without prejudice.

**SO ORDERED AND ADJUDGED** this the 11<sup>th</sup> day of February, 2007.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE